

FROM W&C LLP 19TH FL

(THU) 7/24/03 21:53/ST. 21:53 NO. 4260454164 P 1

1104628-0016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Koziel et al.
Serial No. : 09/988,462
Filed : November 20, 2001
For : SYNTHETIC DNA SEQUENCE
HAVING ENHANCED INSERIONAL
ACTIVITY IN MAIZE
Examiner : McElwain, Elizabeth
Group Art Unit : 1638

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GROUP 1600

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.9	
I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office on the date indicated below at the facsimile number 703-308-4242.	
John Scheibeler	35,346
Attorney Name	PTO Reg. No.
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Signature	Date of Signature

Group 1638
Assistant Commissioner for Patents
Box 1450
Alexandria, VA 223 3-1450

ATTENTION: Examiner Elizabeth McElwain
FACSIMILE NO: 703-308-4242
DATE: July 25, 2003
PAGES: 3

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This communication is Applicants' response to the restriction requirement issued in the referenced application by an Office Action, mailed March 25, 2003. Apart from the restriction requirement, there has been no substantive examination of the claims.

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Applicants currently petition for a three-month extension of time. The Assistant Commissioner is authorized to charge Deposit Account No. 23-1703 in the amount of Nine Hundred and Thirty Dollars (\$930.00) to cover the required fee under 37 C.F.R. § 1.17(a)(3).

REMARKS

The referenced application is a U.S. utility application filed April 12, 2001. A restriction requirement under 35 U.S.C. §121 was issued in the subject application. It is alleged that the subject application contains the following inventions or groups of inventions which are independent and patentably distinct:

Group I: Claims 95-104, drawn to transgenic maize seed and plants comprising a chimeric gene encoding a maize optimized Bt insecticidal protein, and method of controlling insect pests with said plant;

Group II: Claims 105-117, drawn to a transgenic plant seed comprising a chimeric gene encoding a Bt insecticidal protein optimized for expression in a plant by reverse translating an amino acid sequence, plants transformed with said DNA, and methods of using said plants to control pests; and

Group III: Claims 118-130, drawn to a synthetic DNA coding for a Bt insecticidal protein that uses specified codons, plants transformed with said DNA, and methods of using said plants to control pests.

Applicants elect the invention of Group I for examination purposes without traverse. Applicants reserve the right to file one or more divisional applications directed to the inventions of non-elected Groups II and III.

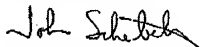
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It is submitted that Applicants have completely responded to the restriction requirement.
Examination and early allowance of the elected claims is respectfully requested.

Dated: 7/25/03

Respectfully submitted,



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